

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In re IRENE S. KOPIN.

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IRENE S. KOPIN,

Appellee,

and

SISTER MARIE A. KOPIN, Guardian,

Appellant,

v

DAVID C. KOPIN, CRAIG L. WRIGHT,  
Guardian Ad Litem and CITIZENS BANK,  
Trustee of the Irene Kopin Trust,

Appellees.

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UNPUBLISHED  
November 2, 2001

No. 225924  
Genesee Probate Court  
LC No. 98-156357-CG

Before: Doctoroff, P.J., and Wilder and Chad C. Schmucker\*, JJ.

PER CURIAM.

Appellant appeals as of right the probate court's denial of the petition filed by appellant's attorney, Arlyn J. Bossenbrook, for payment of fees. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Irene S. Kopin (Irene) is the mother of Sister Marie A. Kopin (Sister Marie) and David Kopin (David). David filed a petition for appointment of a guardian for Irene. The court appointed Sister Marie as guardian, and David consented to Sister Marie's appointment. Eventually, David filed a petition to remove Sister Marie as Irene's guardian. Sister Marie entered into a fee agreement with attorney Arlyn Bossenbrook (Bossenbrook) for representation regarding the removal petition. Stephen Lett represented Irene. David's petition to remove Sister Marie as guardian was unsuccessful.

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\* Circuit judge, sitting on the Court of Appeals by assignment.

Bossenbrook filed a petition for payment of attorney fees. He seeks \$8,160 in attorney fees. The probate court denied Bossenbrook's petition. While not disputing the reputation and high ability of the attorneys for Sister Marie and Irene, the court found that it was unnecessary for a second attorney to work on this matter. The court found no conflict of interest, presumably between the positions of Irene and Sister Marie. It reasoned that a lot of time and effort could have been saved in this case and the additional work was not necessary because it was a straightforward case. The court concluded that Sister Marie, not Irene's estate, should bear the cost of Bossenbrook's attorney fees.

Sister Marie appeals, arguing that the probate court abused its discretion in denying the petition for attorney fees. We disagree.

It is not disputed that Sister Marie was authorized to "employ counsel to perform necessary legal services in behalf of the estate." MCL 700.543. Counsel is entitled to receive reasonable compensation for the legal services provided to the fiduciary of the estate. MCL 700.543. An attorney is entitled to receive reasonable compensation for legal services provided on behalf of a fiduciary and reimbursement for costs incurred in rendering those legal services. MCR 8.303(A). The reasonableness of the attorney fee is determined through consideration of the factors set forth in MRPC 1.5(a). This Court reviews the probate court's determination regarding the amount of an attorney fee award for an abuse of discretion. *In re Humphrey Estate*, 141 Mich App 412, 439; 367 NW2d 873 (1985).

The court followed the recommendation of the guardian ad litem (GAL). The GAL noted that "Mr. Lett's advocacy in this matter was designed to defend and protect Sister Marie Kopin as the guardian for Irene S. Kopin . . . ." In light of this, the GAL found that it was unnecessary for Sister Marie to retain Bossenbrook to represent her individual interest in the proceedings. The GAL reasoned that if Sister Marie believed she needed representation by an attorney to represent her individual interests rather than the interests represented by Lett on behalf of Irene, then Sister Marie should be responsible for those fees. We agree. The probate court did not abuse its discretion in denying Bossenbrook's petition for fees.

Affirmed.

/s/ Martin M. Doctoroff

/s/ Kurtis T. Wilder

/s/ Chad S. Schmucker